



3. On February 25, 2010, the Court issued an Order denying, without prejudice, Defendants' motions to stay this civil action. The primary basis for the denial of the motions was that no indictment had been returned as to any Defendant. During the hearing on Defendants' motions to stay, the Court stated that "[i]f there's an indictment, then we have to recalibrate the entire case." (1/29/10 Tr. 18.)

4. Defendants Shawn Hogan and Brian Dunning were indicted on June 24, 2010. *United States v. Hogan*, CR 10-0495 JF (N.D. Cal. June 24, 2010); *United States v. Dunning*, CR 10-0494 JF (N.D. Cal. June 24, 2010). The indictments are based on the same alleged cookie stuffing scheme at issue in this civil action.

5. On June 29, 2010, the United States filed a Notice of Related Case stating that defendants Shawn Hogan and Brian Dunning in the instant action are alleged to have engaged in the same cookie stuffing scheme that is the subject of the indictments. On July 7, 2010, the Court issued an order finding that the instant civil action and the aforementioned criminal cases are related.

6. Based on the foregoing, all parties to this action hereby stipulate and move that this civil action be stayed in its entirety as to all parties until further order by the Court.

7. The parties further stipulate and move that the Court vacate the existing case management dates, including but not limited to the fact and expert discovery cut-off dates, the pretrial conference date, and the jury trial date. The parties also stipulate and move that a further case management conference be set for February 11, 2011, approximately six months from the date of this stipulation, or as otherwise convenient for the Court.

**IT IS SO STIPULATED.**

DATED: July 28, 2010

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1 DATED: July 28, 2010

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7  
8 DATED: July 28, 2010

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14 DATED: July 28, 2010

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20  
21 DATED: July 28, 2010

TODD DUNNING

22 /s/ Todd Dunning

23 *Pro Se*

24  
25 DATED: July 28, 2010

DUNNING ENTERPRISE, INC.

27 By: /s/ Todd Dunning


28 /././

**ORDER**

Pursuant to the foregoing stipulation and motion, and good cause appearing therefor, IT IS  
HEREBY ORDERED that this action is stayed in its entirety as to all parties until further order by  
the Court. The Court hereby vacates all existing case management dates. A further case  
management conference will be held on February 11, 2011 at 10:30 am.

**IT IS SO ORDERED.**

Dated: 7/30/10

  
\_\_\_\_\_  
The Honorable Jeremy Fogel  
United States District Court Judge  
Northern District of California